



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue Plaza, Second Floor
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7011 3500 0000 1759 7105
RETURN RECEIPT REQUESTED**

August 28, 2012

Brian Logue
EL Hage Marathon
415 Hines Hill Road
Boston Heights, Ohio 44236

NON-HIGH PRIORITY FACILITY

FACILITY ID: 1318228253

NOTICE OF VIOLATION: FAILING TO CONDUCT STAGE II TESTING

Dear Mr. Logue:

On August 10, 2012, the Cleveland Division of Air Quality (CDAQ) inspected EL Hage Marathon located at 5571 Turney Road in Garfield Heights. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

CDAQ has determined that EL Hage Marathon failed to perform an annual Air-to-Liquid Ratio test, and a Static Leak test on emission unit G001: Stage II Gas Dispensing Facility Marconi/Gilbarco, as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2). This is a violation of your permit-by-rule issued on October 20, 2010, OAC 3745-21-09(DDD)(2)(c), and Ohio Revised Code Section 3704.05(C) and (G).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that EL Hage Marathon to complete testing as scheduled on August 29, 2012, and submit the test results to the following enforcement representative:

Mike Samec
Cleveland Division of Air Quality
75 Erievue Plaza 2nd Floor
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within thirty (30) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.



Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars (\$25,000) or imprisonment for not more than one year, or both, for each violation.

CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for EL Hage Marathon: 1318228253.

Sincerely,

A handwritten signature in cursive script that reads "Valencia White".

Valencia White

Chief of Enforcement, CDAQ

VW/ms Handwritten initials, possibly "UK", in blue ink.

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
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